

REMARKS

Applicants have carefully reviewed the Office Action mailed on March 30, 2010. Applicants respectfully traverse and do not concede all objections, rejections, adverse statements, and adverse assertions made by the Examiner. Currently, claims 28-39 remain pending. Claims 28-39 have been rejected. With this Amendment, claim 28 has been amended and claim 34 has been canceled without prejudice. Favorable consideration of the following remarks is respectfully requested.

Claim Objections

In paragraph 2 of the Office Action, claims 33 and 34 are objected as being substantial duplicates. With this Amendment, claim 34 has been canceled. Withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. §102

In paragraph 4 of the Office Action, claims 28-35, 38 and 39 were rejected under 35 U.S.C. §102(e) as being anticipated by Windheuser et al. (U.S. Patent No. 6,096,009). After careful review, Applicants respectfully traverse the rejection.

Turning to independent claim 28, which recites:

28. A medical device comprising:

a catheter, the catheter defining at least one wire lumen for passage of a first wire therethrough, and a second wire therethrough, the catheter having a proximal end region and a distal end region, the proximal end region comprising a manifold,

the manifold defining at least one port, the at least one port being in communication with the at least one wire lumen;

a wire station system, the wire station system comprising a base platform and a manifold engagement mechanism, the manifold engagement mechanism constructed and arranged to removably engage the base platform to an engagement region of the manifold, the base platform having a wire management system,

the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system.

Nothing in Windheuser et al. appears to disclose many elements of claim 28, including for example, “a wire station system, the wire station system comprising a base platform and a manifold engagement mechanism, the manifold engagement mechanism constructed and arranged to removably engage the base platform to an engagement region of the manifold, the base platform having a wire management system” and “the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system”.

In the Office Action, element 360 of Figure 12 of Windheuser et al., which is body member 360, is cited as the claimed base platform and element 358 of Figure 11 of Windheuser et al., which is hook member 358, is cited as the claimed manifold engagement mechanism. However, nothing in Figures 11 and 12 of Windheuser et al. appears to disclose hook member 358 being constructed and arranged to removably engage body member 360. Further, nowhere does the Office Action cite any portion of Windheuser et al. as teaching the hook members 358 being constructed and arranged to removably engage the body member 360. As such, nothing in the cited portions of Windheuser et al. appear to disclose “a wire station system, the wire station system comprising a base platform and a manifold engagement mechanism, the manifold engagement mechanism constructed and arranged to removably engage the base platform to an engagement region of the manifold, the base platform having a wire management system”, as recited in claim 28.

Further, nowhere does the Office Action cite any portion of Windheuser et al. as teaching “the wire management system being actuatable between a first and a second position” as recited in claim 28. Further, nothing in Figures 11 or 12 or any of the cited passages of Windheuser et al. appears to disclose body member 360 (cited as the wire management system) being actuatable between a first and a second position. As such, nothing in the cited passages of Windheuser et al. appear to disclose “the wire management system being actuatable between a first and a second position, in the first position each wire being moveable along a longitudinal axis, in the second position at least one of the wires being fixedly engaged to the wire management system”, as recited in claim 28.

As noted in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Further, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” In view of the foregoing, the cited passages of Windheuser et al. appear to fail to teach each and every element of claim 28 and the identical invention as in claim 28. For at least these reasons, claim 28 is believed to be patentable over Windheuser et al.

For similar reasons and others, claims 29-35, 38, and 39, which depend from claim 28 and include additional distinguishing features, are also believed to be patentable over Windheuser et al. Withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. §103

In paragraph 7 of the Office Action, claims 36 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Windheuser et al. (U.S. Patent No. 6,096,009) in view of Chin et al. (U.S. Patent No. 6,796,976). Applicants respectfully traverse the rejection. As discussed above, claim 1 is believed to be patentable over Windheuser et al. and nothing in Chin et al. appears to remedy the noted shortcomings of Windheuser et al. For at least these reasons, claims 36 and 37, which depend from claim 28 and include additional distinguishing features, are also believed to be patentable over Windheuser et al. in view of Chin et al. Withdrawal of the rejection is respectfully requested.

Double Patenting Rejection

In paragraph 9 of the Office Action, claim 28 was rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 of U.S. Patent No. 6,746,466. While Applicants respectfully disagree, in the spirit of cooperation, Applicants will consider filing a terminal disclaimer in this application when claims are otherwise indicated as allowable.

Conclusion

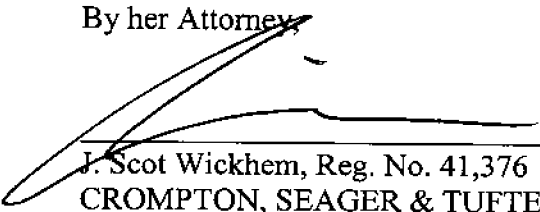
Reconsideration and further examination of the rejections are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Tracee E.J. Eidenschink

By her Attorney,

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